

### **REMARKS**

All claims pending in the application, namely 1-9 have been rejected. Claims 1-9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Schundehutte et al. (U.S. Patent No. 3,853,840); by Lehmann (U.S. Patent No. 6,521,032); by Farbwerke et al. (GB 1372368); and by Quayle et al. (U.S. Patent No. 4,931,550). The Examiner has also cited the Stn abstract as disclosing the charged salt, and U.S. Patent No. 4,939,243 to Meininger et al. as disclosing compounds of the invention.

The Examiner has also rejected independent claim 1 under 35 U.S.C. §112 as being indefinite for reciting the term "general" and also states that the terms "copper complex monoazo dyes" are a preamble that should be written as "a compound".

Applicants have amended claim 1, as the Examiner suggested, to read as "a compound". The term "general" has been deleted from claims 1 and 5.

Claims 1, 2 and 3 have been amended to correctly state the term "alkyl ethers of diols" as "hydroxyalkoxyalkyl groups".

Claim 1 has also been amended to clarify the invention as a compound wherein R1 represents alkyl having from 1 to 4 C atoms, substituted alkyl having from 2 to 4 C atoms, **where the substituent is hydroxyl.**

### **35 U.S.C. §102(b) – Anticipation Rejections**

The pending claims 1-9 have been rejected under 35 U.S.C. §102(a) as being anticipated by Schundehutte et al.; Lehmann; Farbwerke et al. and Quayle et al. Applicants respectfully disagree.

It is axiomatic that “[f]or a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be identically shown in a single reference.” *In re Bond*, 910 F.2d 831, 832, 15 USPQ 1566, 1567 (Fed. Cir. 1990).

None of the compounds described in the cited references to Schundehutte et al.; Lehmann; Farbwerke et al. and Quayle et al. provide a compound of formula (V) or (VI) wherein R1 “represents alkyl having from 1 to 4 C atoms, substituted alkyl having from 2 to 4 C atoms, where the **substituent is hydroxy**”.

Accordingly, Applicants believe they have overcome the anticipation rejections of claims 1-9.

### 35 U.S.C. §112 Rejections

Applicants have also amended the specification to correct errors at pages 6 and 13. Specifically, at page 6 lines 30 to 34 have been amended as follows:

M represents hydrogen, a metal cation or an ammonium cation, which optionally may be substituted by one or more alkyl or substituted alkyl ~~[groups] or [alkyl ethers of diols]~~ hydroxyalkoxyalkyl groups each having from 1 to 18 C atoms;

The correct and proper expression of “alkyl ethers of diols” is hydroxyalkoxyalkyl.

At page 13, there was a typographical error in Table 3, in the second column of dye (102) the value “1.72” was changed to “1.57”.

The substitute specification pages do not include any new matter.

In view of the above arguments, the Applicants believe they have overcome both the anticipation and indefiniteness rejections. Applicants submit that this application is now in condition for allowance. Applicants hereby request reconsideration of this application

- R<sub>1</sub> represents alkyl having from 1 to 4 C atoms, substituted alkyl having from 2 to 4 C atoms, where the substituents are selected from the group consisting of hydroxy and sulfato; or alkenyl having from 2 to 4 C atoms;
- 5 R<sub>2</sub> represents hydrogen or SO<sub>3</sub>M;
- R<sub>3</sub> represents hydrogen, SO<sub>3</sub>M, NH<sub>2</sub>, NHCOD<sub>1</sub>, where D<sub>1</sub> represents unsubstituted or substituted alkyl having from 1 to 6 C atoms, where the substituents are selected from the group consisting of carboxy, chloro or bromo; phenyl or substituted phenyl, where the substituents are selected from the group consisting of methyl, chloro, bromo, carboxy or sulfo; or NHSO<sub>2</sub>D<sub>2</sub>, where D<sub>2</sub> represents unsubstituted alkyl having from 1 to 6 C atoms, phenyl or substituted phenyl, where the substituents are selected from the group consisting of methyl, fluoro, chloro or bromo;
- 10
- 15 R<sub>4</sub> represents hydrogen, SO<sub>3</sub>M, NH<sub>2</sub> or NHSO<sub>2</sub>D<sub>3</sub>, where D<sub>3</sub> represents alkyl having from 1 to 6 C atoms, phenyl or substituted phenyl where the substituents are selected from the group consisting of methyl, fluoro, chloro or bromo;
- R<sub>5</sub> represents hydrogen, SO<sub>3</sub>M, COOM or COND<sub>4</sub>D<sub>5</sub>, where D<sub>4</sub> and D<sub>5</sub> independently represent hydrogen, unsubstituted or substituted alkyl having from 1 to 6 C atoms, where the substituents are selected from the group consisting of methoxy, ethoxy, isopropoxy and hydroxy
- 20
- and
- R<sub>6</sub> represents hydrogen or SO<sub>3</sub>M.

25

Preferred are copper complex monoazo dyes, where R<sub>2</sub>, R<sub>3</sub>, R<sub>4</sub>, R<sub>5</sub> and R<sub>6</sub> are as defined above;

R<sub>1</sub> represents alkyl having from 1 to 4 C atoms

and

- 30 M represents hydrogen, a metal cation or an ammonium cation, which optionally may be substituted by one or more alkyl or substituted alkyl or hydroxyalkoxyalkyl groups each having from 1 to 12 C atoms.

35 Also preferred are copper complex monoazo dyes, where M, R<sub>1</sub>, R<sub>2</sub>, R<sub>5</sub> and R<sub>6</sub> are as defined above

and

R<sub>3</sub>, R<sub>4</sub> independently represent hydrogen or SO<sub>3</sub>M.

## Results

The density losses, determined in this way, for the stability of the samples in the dark when they were in contact with ambient air for 7 days for the recording sheet Epson Premium Glossy Photo Paper are listed in Table 3 for the concentrated ink.

Table 3

Dye	Optical Density before Storage	Optical Density after Storage	Density Difference in Percent
13	1.64	1.43	12.8
I	1.81	1.56	13.8
10	1.66	1.45	12.7
II	1.72	1.36	20.9
IV	1.82	0.98	42.4
102	1.57	1.46	7.0
III	1.49	1.31	12.1

The density losses, determined in this way, for the stability of the samples in the dark when they were in contact with ambient air for 7 days for the recording sheet Epson Premium Glossy Photo Paper are listed in Table 4 for the diluted ink.

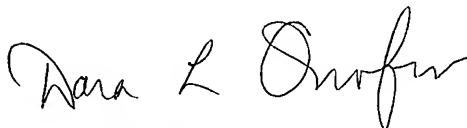
Table 4

Dye	Optical Density before Storage	Optical Density after Storage	Density Difference in Percent
13	0.59	0.55	6.8
I	0.68	0.58	14.7
10	0.59	0.54	8.5
II	0.60	0.51	15.0
IV	0.61	0.35	42.6
102	0.59	0.56	5.1
III	0.56	0.51	8.9

and allowance of pending claims 1-9. If a telephone interview would be useful to advance this case, then the Examiner is invited to telephone the undersigned.

Respectfully submitted,  
ONOFRIO LAW  
Attorneys for Applicants,

By:



Dara L. Onofrio  
Reg. No. 34,889  
1133 Broadway – Suite 1600  
New York, NY 10010  
(212) 871-6112 (phone)  
(212) 871-6113 (fax)



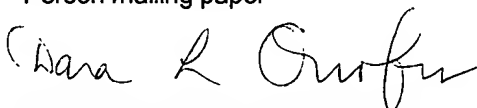
CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

MAIL STOP AMENDMENTS  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dated: September 9, 2004

Dara L. Onofrio  
Person mailing paper



Signature of person mailing paper